

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 130

### AN ORDINANCE AMENDING COTTONWOOD HEIGHTS CODE CHAPTER 5.85 (SHORT-TERM RENTALS)

**WHEREAS**, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

**WHEREAS**, Code Chapter 5.85 ("*Chapter 5.85*"), entitled "Short-Term Rentals," establishes the legal framework for the business licensing of short-term rental businesses in the City; and

**WHEREAS**, following enactment of Chapter 5.85, the Council adopted amended Code Chapter 19.89 ("*Chapter 19.89*") providing additional regulations for the licensing, use and operation of short-term rentals in the City; and

**WHEREAS**, the Council met in regular session on 9 December 2008 to consider, among other things, amending Chapter 5.85 to conform its provisions with those of amended Chapter 19.89; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Chapter 5.85 as proposed;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Amendment of Chapter 5.85.** The Council hereby amends Chapter 5.85 of the Code as shown on the attached exhibit, with additions to current Chapter 5.85 underlined, and deletions to current Chapter 5.85 either ~~stuck through~~ or otherwise noted as deletions.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

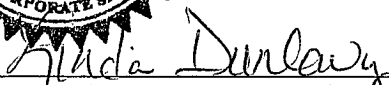
Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.


Section 5. **Effective Date.** This Ordinance, assigned no. 130, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 9<sup>th</sup> day of December 2008.

**COTTONWOOD HEIGHTS CITY COUNCIL**



  
Linda W. Dunlavy, Recorder

By   
Kelvyn H. Cullimore, Jr., Mayor

**VOTING:**

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Don J. Antczak	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Bruce T. Jones <i>Absent</i>	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the Recorder's office this 9<sup>th</sup> day of December 2008.

**POSTED** this 10 day of December 2008.

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## Chapter 5.85

### SHORT-TERM RENTALS

#### Sections:

##### 5.85.010 Definitions.

##### 5.85.020 Zoning code compliance—Required.

##### 5.85.030 Business license—Required.

##### 5.85.040 License—Application—Contents.

##### 5.85.050 License—Application—Investigation.

##### 5.85.060 License—Fee.

##### 5.85.070 Inspections for compliance.

##### 5.85.080 Register to be kept.

##### 5.85.010 Definitions.

A. “Bedroom” means a room designated and used primarily for sleeping and rest on a bed.

B. “Short-term rental” means the rental, letting of rooms or sub-leasing/renting of any structure, dwelling, or portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty consecutive days.

C. “Short-term rental property” means any real property used, or to be used, for short-term rental purposes.

##### 5.85.020 Zoning code compliance—Required.

It is unlawful to conduct or operate a short-term rental business without full compliance with the requirements of chapter 19.89 of this code. The issuance of short-term rental business license under this chapter does not authorize operation of a short-term rental business without concurrent compliance with all of the requirements of said chapter 19.89 and all other requirements of this code and other applicable law.

##### 5.85.030 Business license—Required.

It is unlawful to conduct or operate a short-term rental without having obtained a business license therefor under this chapter..

##### 5.85.040 License—Application—Contents.

Applications shall contain such information as the license official shall from time to time require, including the location of the short-term rental property, the number of bedrooms contained in such property, and the number of persons to be accommodated.

##### 5.85.050 License—Application—Investigation.

Applications shall be referred by the license official to the fire department, the police department, the health department, the planning department and such other agencies or departments as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental property, the applicant and other

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5.85.090 . Excessive noise.¶  
5.85.100 . Outdoor pools, hot tubs or spas.¶  
5.85.110 . Responsible individual.¶  
5.85.120 . Separate violations.¶

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relevant matters. Departmental recommendation as to the issuance or denial of the license, based on the above inspections, shall then be referred to the license official for submission to the manager.

**5.85.060 License—Fee.**

The annual fee for a business license under this chapter shall be the same as the general business license fee under this title.

**5.85.070 Inspections for compliance.**

A. After a license has been granted, the license official or designee may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law.

B. The fire department shall perform at least one inspection annually to ensure compliance with applicable codes.

C. A licensee under this chapter also is subject to the inspections authorized in section 19.89.160 of this code.

**5.85.080 Register to be kept.**

Each short-term rental proprietor shall keep or cause to be kept a register of guests. Such registration or list shall be available for inspection by the license official or designee at any time.

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**Deleted: 5.85.060 . Permit—Fee.**  
 . The permit fee shall be as specified in the fee schedule adopted pursuant to section 5.06.050.  
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**Deleted: 5.85.080 . Maintenance—Structure and grounds.**  
 . A . A short-term rental shall be maintained to the following minimum standards:  
 . 1 . Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and  
 . 2 . Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and  
 . 3 . Snow shall be removed from sidewalks and driveways within one after the snow has ceased falling, provided that in case of a storm between the hours of five p.m. in the afternoon and six a.m. in the morning, the sidewalk shall be cleaned before eight a.m. the morning following the storm.  
 . B . A short-term rental shall not have any signs on the premises that advertise the use.  
 . C . The use of the dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.  
 ¶  
 **5.85.090 . Excessive noise.**  
 . Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses.  
 ¶  
 **5.85.100 . Outdoor pools, hot tubs or spas.**  
 . Outdoor pools, hot tubs or spas shall not be used between the hours of ten p.m. and eight a.m.  
 ¶  
 **5.85.110 . Responsible individual.**  
 . One nameplate sign not to exceed three inches by five inches made of weather-resistant material containing the name and telephone number of at least one responsible individual located within the county that can be contacted twenty-four hours a day, and the occupant load of the building as allowed by the city's building code, shall be permanently attached to the building in a conspicuous location near the front entrance of the short-term rental. Such nameplate shall not contain a ... [1]

**5.85.080 Maintenance—Structure and grounds.**

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1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and

2. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and

3. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of five p.m. in the afternoon and six a.m. in the morning, the sidewalk shall be cleaned before eight a.m. the morning following the storm.

B. A short-term rental shall not have any signs on the premises that advertise the use.

C. The use of the dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.

**5.85.090 Excessive noise.**

Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses.

**5.85.100 Outdoor pools, hot tubs or spas.**

Outdoor pools, hot tubs or spas shall not be used between the hours of ten p.m. and eight a.m.

**5.85.110 Responsible individual.**

One nameplate sign not to exceed three inches by five inches made of weather-resistant material containing the name and telephone number of at least one responsible individual located within the county that can be contacted twenty-four hours a day, and the occupant load of the building as allowed by the city's building code, shall be permanently attached to the building in a conspicuous location near the front entrance of the short-term rental. Such nameplate shall not contain any advertising.

**5.85.120 Separate violations.**

For purposes of prosecution of violations of this chapter, each day that any violation occurs is deemed to constitute a separate violation.